

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 4, 2002 LB 876

amend the committee amendments with AM3183. (Legislative Journal page 1097.)

SENATOR COORDSEN: Senator Kristensen to open on your amendment.

SPEAKER KRISTENSEN: Thank you, Mr. President and members of the Legislature. In the committee amendment, Senator Brashear did make reference to changes that are being proposed to the commission on Public Advocacy. As you remember, that is the commission which is doing indigent defense, particularly in those major cases in the counties, so the counties don't have such huge legal expenses and that those people will be afforded competent, quality representation in major cases. We also, last year, passed LB 335, which established standards for county indigent defense systems and allowed for a mechanism for some reimbursement to those counties, and for state reimbursements, if they chose to meet those standards. Also, last year, we passed a bill, LB 659, which created the DNA Testing Act, and we appropriated money on both of those, and put them into the Cash Fund for the commission to, basically, manage and pay those costs to do that. Since the Cash Funds can't receive General Fund dollars, the commission is basically doing its daily work...we need to change the name of the Cash Fund, and we need to make sure that we take the cost of those tests; for example, the DNA tests were coming out of the County Revenue Assistance Act. We need to be able to make those changes and correct that fund language. It's important we make those, otherwise the commission is going to run out of money from the Cash Funds, by only using that fund to pay for its General Fund expenses. That's what this amendment comes into play. It's a modification, and literally a clean-up of the Commission on Public Advocacy items. This was before the Judiciary Committee. It was advanced out without any dissenting votes from the committee. What the clean-up goes on further to do is it requires counties to estimate how much money they seek to use or ask for reimbursement for the following fiscal year. We had to amend the date to make the date more useful, so we could actually get that information that is in there. Also, when a county...for example, they have a large expense and they're at their lid limit, there's an exception in that that we passed last year, that would allow them to go above it, and then they